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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/684,093	10/10/2003	Richard L. Duncan	N1194-00007	3027

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HOWARD CHEN
PRESTON GATES & ELLIS LLP
55 SECOND STREET
SUITE 1700
SAN FRANCISCO, CA 94105

EXAMINER

LUU, AN T

ART UNIT	PAPER NUMBER
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2816

DATE MAILED: 03/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

H.A

Office Action Summary

Application No.

10/684,093

Applicant(s)

DUNCAN, RICHARD L.

Examiner

An T. Luu

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- ☒ Responsive to communication(s) filed on 08 March 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- ☒ Claim(s) 1-28 is/are pending in the application.
 - 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- ☒ Claim(s) 12-19 is/are allowed.
- ☒ Claim(s) 1,2,20 and 21 is/are rejected.
- ☒ Claim(s) 3-11 and 22-28 is/are objected to.
- ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 March 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some * c) ☐ None of:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

DETAILED ACTION

Applicant's Amendment filed on 3-08-05 has been received and entered in the case. The rejections set forth in the previous Office Action are maintained as indicated below.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-2 and 20-21 are rejected under 35 U.S.C. 102(b) as being anticipated by the Bloch et al reference (U.S. Patent (5,923,193).

Block discloses in figure 1 an apparatus for prohibiting signals traveling from a first clock domain 160 operating with a first clock A to a second clock domain 180 operating with a second clock B when the first clock is not active, the synchronizing circuit comprising at least one signal receiving module 160 for receiving at least one selected signal DATA2 in the first clock domain; a detection circuit 110 producing a detection signal C indicating that the first clock is active (i.e., detecting changes in phases); and at least one output selection module 180 for passing the selected signal from the first clock domain to the second clock domain only when the first clock is active as required by claim 1. It is noted that DATA2 cannot reach to FF 170 when the first clock A is not active.

As to claim 2, column 5, lines 2-3, discloses element 160 being a conventional flip-flop. Therefore, FF 160 receives the selected signal DATA2 upon a triggering of the first clock A.

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As to claims 20-21, they are rejected for reciting methods derived from the apparatus described in claims 1-2 as noted above. The limitation “*prohibiting the selected signal from the first clock domain to be synchronized with the second clock when the first clock is detected to be inactive*” of claim 20 is met by the fact that DATA2 cannot reach to FF 170 when the first clock A is not active.

Response to Arguments

3. Applicant's arguments filed 3-8-05 have been fully considered but they are not persuasive.

Regarding the rejection of claim 1 under 35 USC 102, Applicant has pointed out the recitation in the preamble of claim 1 (*i.e., a signal synchronizing circuit for prohibiting signals traveling from a first clock domain operating with a first clock to a second clock domain operating with a second clock when the first clock is not active*) is not taught by the cited prior art (*i.e., Bloch et al*) and discussed about the difference between operational aspect of the instant application and that of Bloch et al).

In response to applicant's first point of arguments, the above recitation has not been given patentable weight because the recitation occurs in the preamble. A preamble is generally not accorded any patentable weight where it merely recites the purpose of a process or the intended use of a structure, and where the body of the claim does not depend on the preamble for completeness but, instead, the process steps or structural limitations are able to stand alone. See *In re Hirao*, 535 F.2d 67, 190 USPQ 15 (CCPA 1976) and *Kropa v. Robie*, 187 F.2d 150, 152, 88 USPQ 478, 481 (CCPA 1951).

Regarding Applicant's second point of argument, the Examiner agrees that those circuits, as a whole, operate differently. However, Applicant's point of argument is irrelevant since the merits of claims are based entirely on the recitation of claims, not the specification. Examiner maintains the same ground of rejection of claim 1 since Bloch discloses each and every limitation recited in claim 1.

Allowable Subject Matter

4. Claims 12-19 are allowed.
5. Claims 3-11 and 22-28 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
6. The following is a statement of reasons for the indication of allowable subject matter: the prior art of record fails to disclose an apparatus and/or methods thereof comprising elements and/or steps as recited in claims. Specifically, none of the prior art teaches or fairly suggests, among other things, the following limitations:
 - The output selection module includes a first flip-flop receiving the selected signal from the first clock domain upon a triggering of a gated clock generated by a gated clock module as required by claims 3 and 22.
 - The detection circuit further includes two or more flip-flops arranged in series that are synchronized with the first clock as required by claim 5.
 - A disable circuit for disabling the detection signal when the first clock becomes inactive as required by claims 8 and 25.

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- A signal passing module passing the output of the first latch to generate a gated clock signal that is synchronized with the second clock; and an output selection module for passing the selected input signal upon a triggering of the gated clock signal as required by claim 12.
- The detecting further includes detecting whether the first clock is inactive by feeding a constant input to at least one flip-flop that is synchronized with the first clock as required by claim 24.

Conclusion

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to An T. Luu whose telephone number is 571-272-1746. The examiner can normally be reached on 7:30-5:00.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Timothy P. Callahan can be reached on 571-272-1740. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

An T. Luu
3-18-05 *AL*


Terry D. Cunningham
Primary Examiner